

Q2  
2nd  
B3

4. (Amended) The agent according to claim 3, wherein the vitamins or analogues thereof are selected from the group consisting of vitamin A, vitamin B<sub>1</sub> and acid addition salts thereof, vitamin B<sub>2</sub>, vitamin B<sub>6</sub> and acid addition salts thereof, vitamin B<sub>12</sub> and acid addition salts thereof, vitamin C, vitamin D, vitamin E, choline, nicotinic amide, pantothenic acid and salts thereof, folic acid, and biotin.

Please add the following new claims.

Q3  
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10. (New) The agent according to claim 3, further comprising one or more members selected from the group consisting of taurine, inositol, lecithin, DHA powder, fructo-oligosaccharide, casein phosphopeptide, galacto-oligosaccharide, glucosamine, foremilk protein powder, skim milk, magnesium hydroxide, and ionic calcium.

#### REMARKS

Claims 1-10 are pending in the present application.

The Examiner has required election in the present application between:

In claim 1, between the composition containing 1) a powder of wild ginseng, mixed powder of wild ginseng and herb medicine or 2) a water extract of powdered ginseng, or 3) a powder of wild ginseng, mixed powder of wild ginseng and herb medicine or

4) a powder of wild ginseng and a water extract of powdered ginseng.

In claim 1, for the purpose of examination of the present application, Applicants elect, with traverse, a composition comprising a water extract of the mixed powder of wild ginseng and herb medicine.

In claim 2, the Examiner has required an election of species amongst the herb medicines listed in the Markush group in claim 2.

In claim 2, for the purpose of examination of the present application, Applicants elect, with traverse, the mixture of Lycii Fructus, Cnidii Rhizoma and Angelicae gigantis radix as the species to be first examined.

In claim 3, the Examiner has required an election of species amongst the auxiliaries listed in the Markush group in claim 3.

In claim 3, for the purpose of examination of the present application, Applicants elect, with traverse, the mixture of vitamin and analogue thereof, amino acid, grain and vegetable as the species to be first examined.

In claim 4, the Examiner has required an election of species amongst the vitamins and analogues thereof listed in the Markush group in claim 4.

In claim 4, for the purpose of examination of the present application, Applicants elect, with traverse, the mixture of acid addition salt of vitamin B1, vitamin B2, acid addition salt of

vitamin B6, vitamin B12, vitamin C, vitamin D, nicotinic amide, salt of pantothenic acid, and biotin as the species to be first examined.

In claim 6, the Examiner has required an election of species amongst the species listed in the Markush group in claim 6.

In claim 6, for the purpose of examination of the present application, Applicants elect, with traverse, the mixture of glutinous rice, unpolished rice, Job's-tear, barley, soy bean, and pumpkin as the species to be first examined.

#### Election of Species

As is consistent with the election of species procedures at the Patent Office, elections were made simply to give the Examiner a starting point at which to examine the instant invention and were in no way meant to limit Applicants invention only to the elected species.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact T. Benjamin Schroeder (Reg. No. 50,990) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of one (1) month to

December 2, 2002 in which to file a reply to the Office Action. The required fee of \$110.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Joseph A. Kolasch, #22,463

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows.

1. (Amended) An antifatigue and nutritious tonic agent [containing] comprising [powder of wild ginseng, mixed powder of wild ginseng and herb medicine, or] a water extract of the mixed [said] powder[,] of wild ginseng and herb medicine as the active ingredient.

4. (Amended) The agent according to claim 3, wherein the vitamins or analogues thereof are selected from the group consisting of vitamin A, vitamin B<sub>1</sub> and acid addition salts thereof, vitamin B<sub>2</sub>, vitamin B<sub>6</sub> and acid addition salts thereof, vitamin B<sub>12</sub> and acid addition salts thereof, vitamin C, vitamin D, vitamin E, choline, nicotinic amide, pantothenic acid and salts thereof, folic acid, [taurine,] and biotin[,inositol, recithin, DHA powder, fructo-oligosaccharide, casein phosphopeptide, galacto-oligosaccharide, glucosamine, foremilk protein powder, skim milk, magnesium hydroxide, and ionic calcium, and mixtures thereof].

Claim 10 has been added.